

United States District Court
District of Massachusetts

Christopher Devine

Vs

04 - 12186-NG

Stop and Shop Companies Inc

Motion to keep case open
January 11, 2006

Dear Judge Nancy Gertner,

The Defendant Stop and Shop advised me that they are filing a motion to dismiss this case.

The court advised me, Christopher Devine that they reopened the case when they received the Americans with disabilities act claim letter, right to sue.

The court has issued a memorandum and order on October 21, 2004 stating that I needed the ADA claims letter; right to sue in order to reopen the case.

On April 18, 2004 the court issued a memorandum and order stating to reopen the case and advised Mr Devine that there is a genuine issue of when plaintiff received notice of a right to sue letter. The court has said that they will proceed with the case and reopen it.

Please keep in mind that, Mr. Devine never received the right to sue letter after filing his complaint with the court in October of 2004. advising Mr Devine that he needed the right to sue letter.

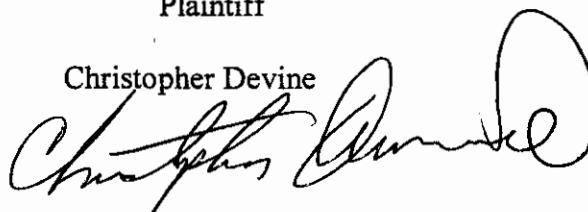
The EEOC sent out the right to sue letter in January 30, 2004 and the letter was returned to the EEOC undeliverable when Mr Devine's post office box had been closed, and was received back to them in February 18, 2004. The EEOC never made note to when they gave Mr. Devine the right to sue letter. In October Mr. Devine was handed the right to sue letter after visiting their office. Then Mr Devine proceeded with the motion to reopen the case with reconsideration to the court.

The court made clear that the case stays open, and that without prejudice to the Defendant raising and limitation and equitable tolling issues presented by the untimeliness.

This motion is to KEEP CASE OPEN

Plaintiff

Christopher Devine

A handwritten signature in black ink, appearing to read "Christopher Devine", is written over a horizontal line.